



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Diane Thibeault *et al.*

Serial No.: 10/650,585

Filed: August 28, 2003 Docket: 13/082-1-D1

For: Purified Active HCV NS2/3 Protease

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102

Sir:

This Petition to Make Special under 37 C.F.R. § 1.102 ("the Petition") is submitted in compliance with the requirements set forth in M.P.E.P. § 708.02.VIII. Applicants note that the instant application is a new application that has not received any examination and is therefore eligible for accelerated examination under this provision.

In accordance with 37 C.F.R. § 1.102 and M.P.E.P. § 708.02.VIII, for the Petition to be granted, applicants must:

- (a) submit the Petition to Make Special accompanied by the fee set forth in 37 C.F.R. § 1.17(h);
- (b) present all claims directed to a single invention or, if the Office determines that all the claims are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) submits a statement that a pre-examination search was made (a search made by a foreign patent office satisfied this requirement);
- (d) submits one copy of the each of the references, if the references are not already of record; and
- (e) submits a detailed discussion of the cited references, which discussion points out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references.

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Applicants have complied with each and every one of these requirements, as set forth below.

(a) Applicants have submitted the Petition accompanied by the fee set forth in 37 C.F.R. § 1.17(h)

Applicants hereby authorize that the fee due under 37 C.F.R. § 1.17(h) in connection with this Petition be charged to Deposit Account No. 02-2955. This petition fee is paid by the enclosed Fee Transmittal Form (Form PTO/SB/17). Furthermore, if it is determined that any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this Petition, authorization is hereby given to charge such fees to Deposit Account No. 02-2955.

(b) Applicants have presented all claims directed to a single invention and have made a provisional election without traverse should the Office determine that all the claims are not obviously directed to a single invention

Applicants believe that all the claims presented are directed to a single invention. Should the Office determine that all the claims are not obviously directed to a single invention, however, applicants have made a provisional election without traverse of the subject matter of claim 1 and any subject matter that the Office intend to group with claim 1.

(c) Applicants have submitted a statement that a pre-examination search was made

Applicants advise the Office that a pre-examination search was made in the form of an International Search Report (hereinafter “the ISR”; enclosed herewith) issued for the related copending PCT application.

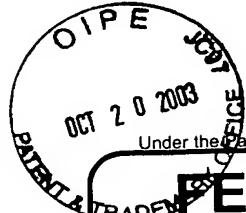
(d) Applicants have submitted one copy of the each of the references

Applicants have submitted one copy of each of the references cited in the ISR.

(e) Applicants have submitted a detailed discussion of the cited references, which discussion points out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references

The following is the detailed discussion pointing out, with the particularity required by 37 C.F.R. § 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Each of the references cited in the ISR (hereinafter “the ISR cited references”) is discussed in



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FEET TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

Application Number	10/650,585
Filing Date	August 28, 2003
First Named Inventor	Thibeault, D. et al
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	13/082-1-D1

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:

Deposit Account Number 02-2955
 Deposit Account Name 02-2955

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) or any underpayment of fee(s)
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20** =	x 18.00 =	
			- 3** =	x 86.00 =	
				290.00 =	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) Petition to make special under 37 C.F.R. 1.102			130.00

*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 130.00)

(Complete if applicable)

SUBMITTED BY	Name (Print/Type)	Susan K. Pocchiari	Registration No. (Attorney/Agent)	45,016	Telephone 203-798-5648
Signature		Susan K. Pocchiari		Date	October 17, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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